

A circular ink stamp from the Environmental Protection Agency, Region VII. The text "REGIONAL HEARING CL" is curved along the top inner edge. "ENV" is on the left and "AGENCY" is on the right. The date "NOV 15 1992" is in the center. "Environmental Protection Age" is curved along the bottom inner edge, and "REGION VII" is curved along the bottom outer edge.

Docket No. VII-92-H-0007

Respondent.

**CONSENT AGREEMENT AND
CONSENT ORDER**

This proceeding was initiated pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6928(a) and (g). The Complainant, the Regional Administrator of the United States Environmental Protection Agency (EPA), Region VII, issued a Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") to Respondent, Jesco Resources, Inc., 1437 Gentry Street, North Kansas City, Missouri, 64116. The Respondent's registered agent in the State of Missouri is Richard S. Howell, located at the same address.

Authority to execute this Consent Agreement and Consent Order has been delegated to the Director, Waste Management Division, by EPA Delegation No. R7-8-9-A, dated May 16, 1988.



R00029857

RCRA Records Center

CONSENT AGREEMENT

1. Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this Consent Agreement and Consent Order.

2. Respondent neither admits nor denies the allegations in the Complaint and agrees not to contest same in this or subsequent proceedings to enforce the terms of this Consent Agreement and Consent Order.

3. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in the Complaint.

4. Respondent consents to the issuance of the Consent Order hereinafter recited and agrees to comply with the terms of the Consent Order set forth below.

5. Respondent and EPA each agree to bear their own costs and attorneys' fees.

CONSENT ORDER

6. IT IS HEREBY AGREED BY THE PARTIES, and pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), IT IS ORDERED that Jesco Resources shall pay a civil penalty of forty-nine thousand, one-hundred forty dollars (\$49,140.00). Said penalty shall be paid within thirty (30) days following receipt by Respondent of a fully executed copy of this Consent Order. Payment of said penalties shall be made by certified or cashier's check payable to "Treasurer of the United States" and

remitted to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251, and shall identify the Respondent by name and docket number. A copy of the transmittal letter and check shall concurrently be mailed to Howard C. Bunch, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Should the entire civil penalty not be paid within the time provided above, interest shall accrue thereon at the rate determined by the Secretary of the Treasury (currently 6.00 percent per annum for the period January 1, 1992 through December 31, 1992) on the unpaid balance until such civil penalty and accrued interest are both paid in full. A late payment handling charge of \$15.00 will be imposed for payments received thirty (30) days after the due date and an additional \$15.00 will be charged for each subsequent thirty (30) day period. As provided by 31 U.S.C. § 3717(e)(2), a 6.00 percent per annum penalty (late charge) will be assessed on any principal amount not paid within ninety (90) days of the due date.

7. IT IS FURTHER AGREED BY THE PARTIES that within the following time periods as specified, Respondent shall:

a. Dispose of all hazardous waste it generates pursuant to the requirements of 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.12(c).

b. Within thirty (30) calendar days of receipt of this Order, submit to EPA documentation (including copies of all

manifests and land disposal restriction notices) that all materials referred to in paragraphs B.7.a - B.7.c of the Complaint, which it has generated and/or disposed of since completing the hazardous waste determinations for the materials identified in paragraphs B.7.a - B.7.c of the Complaint, have been disposed of in accordance with all applicable hazardous waste laws and regulations.

8. Nothing in this Consent Agreement/Consent Order shall preclude EPA from instituting enforcement actions against Respondent for any violations not alleged by the Complaint issued in this matter.

NOTIFICATIONS AND SUBMITTALS

9. All notices, whether oral or written, and all written documents required to be submitted by this Order shall be sent to Ms. Sandi MacLeod, Environmental Engineer, U.S. Environmental Protection Agency, Region VII, WSTM/RCRA/RCOM, 726 Minnesota Avenue, Kansas City, Kansas 66101.

ACCESS

10. EPA and its authorized representatives shall have access to Respondent's facility at all times to monitor Respondent's implementation of and compliance with the terms of this Consent Order. Nothing herein shall be construed to limit EPA's access authority under RCRA or any other law.

PARTIES BOUND

11. This Consent Order shall apply to and be binding upon Respondent, its agents, successors and assigns. Respondent shall ensure that its directors, officers, or employees acting under or for it with respect to matters included herein, comply with the terms of this Consent Agreement and Consent Order.

RESERVATION OF RIGHTS

12. EPA reserves the right to enforce the terms of this Consent Order by initiating a judicial or administrative action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed twenty-five thousand (\$25,000) a day for each day of non-compliance with the terms of this Consent Order, or by seeking any other remedy allowed by law.

EFFECTIVE DATE

13. This Consent Agreement and Consent Order shall be effective upon receipt by Jesco Resources of a fully executed copy thereof. All time periods herein shall be calculated therefrom unless otherwise provided in this Consent Agreement and Consent Order.

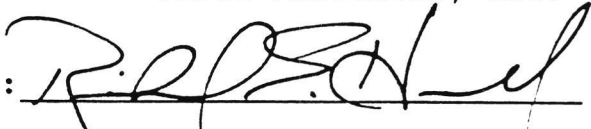
14. This Consent Agreement and Consent Order shall remain in full force and effect until such time as the activities

required of respondent in paragraphs 6 and 7 herein have been completed.

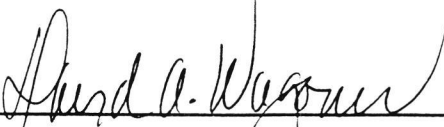
JESCO RESOURCES, INC.

19 October, 1992
Date

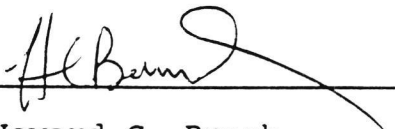
By:


Name: Richard S. Howell
Title: President

11/4/92
Date


David A. Wagoner
Director, Waste Management Division
U.S. Environmental Protection Agency
Region VII

11/2/92
Date


Howard C. Bunch
Assistant Regional Counsel
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101